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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/085,217

02/27/2002

Sunit B. Mangalvedhekar

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07/28/2006

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EXAMINER

COBY, FRANTZ

ART UNIT

PAPER NUMBER

2161

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/085,217	Applicant(s) MANGALVEDHEKAR, SUNIT B.	
	Examiner Frantz Coby	Art Unit 2161	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: NONE.
 Claim(s) objected to: 5,6,12,13,21,22,30 and 31.
 Claim(s) rejected: 1-4,7-11,14-20,23-29 and 32.
 Claim(s) withdrawn from consideration: NONE.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: The Applicant argued that, "Acharya does not disclose, teach, or suggest generating a profile for a selected file, the profile identifying at least one associated file to be accessed by the selected file". The Examiner, on the other hand, disagrees with the preceding argument because Acharya et al. disclose "a method for preparing files for storage in a server" by providing a server or a proxy machine to store prepared files (See Acharya et al. Abstract; Col. 2, lines 10-41), especially, the aspect of having a server or a proxy machine to use a look-up table which relates a logical link to an actual electronic address). In particular, Acharya et al. disclose the claimed limitations of "generating a profile for a selected file, the profile identifying at least one associated file to be accessed by the selected file" as an indirect link (See Acharya et al. Col. 3, lines 35-62). The applicant should duly note that Acharya et al. disclose a profile in the context of Applicant's invention because the Applicant describes a profile for a given file to be files that are immediately associated with the file (See Applicant's specification Page 11, line 31-Page 12, line 1). In this case, the indirect link is the immediate file associated with the file in Acharya et al.; that therefore, falls in the category of a profile. Last, Acharya et al. disclose the claimed feature of "transmitting, to a server, the selected file, the profile, and the at least one associated file" by providing mechanisms for transmitting files which link to indirect links over a communication network (See Acharya et al. Col. 2, lines 10-41; Col. 3, lines 53-62). Note that, when a file is transmitted, according to Acharya et al., the indirect link and associated files are transmitted with the file.

The Applicant also argued that, "nothing in Acharya discloses, teaches, or suggests a profile that identifies files to be accessed by a selected file for which the profile was generated. Since nothing in Acharya discloses, teaches, or suggests either a profile identifying at least one associated file" or at least one associated file to be accessed by the selected file," as recited in Applicant's Claim 1, Acharya also cannot be said to disclose, teach, or suggest transmitting, to a server, the selected file, the profile, and the at least one associated file," as recited in Applicant's Claim 1". The Examiner disagrees with the preceding argument because as explained above, Acharya et al. disclose an indirect link that identifies a file to be retrieve; including, methodologies wherein a server transmits a web page containing an indirect link to a client responsively to the client's request, the user selects an indirect link at the client, the client transmits a logical reference associated with the indirect link to the server identified in the logical reference, the server identifies a current electronic address of the file identified by the logical reference and the server transmits the file identified by the electronic address to the client (See Acharya et al. Figure 3 and corresponding text). The applicant should duly note that Acharya et al. disclose a profile in the context of Applicant's invention because the Applicant describes a profile for a given file to be files that are immediately associated with the file (See Applicant's specification Page 11, line 31-Page 12, line 1). In this case, the indirect link is the immediate file associated with the file in Acharya et al.; that falls in the category of a profile. This is, therefore, a clear indication of the Acharya's teachings of a profile that identifies files to be accessed by a selected file for which the profile was generated, and transmitting, to a server, the selected file, the profile, and the at least one associated file.

The Applicant further argued, "There is no disclosure of after transmitting the selected file, the profile, and all of the associated files, initiating downloading of the selected file from the server; identifying all of the associated files by examining the profile; and in response to identifying all of the associated files, initiating downloading of all of the associated files from the server". However, as detailed the previous office action, Acharya et al. achieved the aforementioned claimed feature because when the web server responds to file requests the server transmitting the file identified in the URL via the internet to the proxy machine (Col. 3, lines 1-15). Notice, when data is being transmitted from a server machine to a proxy machine or a client machine, the act downloading data or files is achieved since downloading is to transfer a copy of a file form a remote computer to the requesting computer by means of a modem or network or to send a block of data to a dependent device. .


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PRIMARY EXAMINER